

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA – NORTHERN DIVISION**

TESORO REFINING & MARKETING  
COMPANY LLC, a Delaware limited liability  
company,

Plaintiff,

v.

ALANDDON LLC, a Nevada limited liability  
company; DONALD A. LEHR, individually;  
VALARIE M. LEHR, individually; and KIM  
FIEGEHEN, as Guardian ad Litem, for ALLAN  
G. FIEGEHEN, individually.

Defendants.

CASE NO.: 3:19-cv-00449

**STIPULATION AND ORDER TO DISMISS  
PLAINTIFF'S CLAIM FOR TORTIOUS  
INTERFERENCE WITH CONTRACTUAL  
RELATIONS AGAINST VALARIE LEHR  
ONLY WITHOUT PREJUDICE**

Plaintiff TESORO REFINING & MARKETING COMPANY LLC (“Tesoro”), by and through its attorneys of record, Griffith Hayes, Esq. of the law firm of LITCHFIELD CAVO LLP, and ALANDDON LLC (“Alanddon”), DONALD A. LEHR (“Mr. Lehr”), VALARIE M. LEHR (“Mrs. Lehr”), and KIM FIEGEHEN, as Guardian Ad Litem, for ALLAN G. FIEGEHEN (collectively referred to as “Mr. Fiegehen”) (Alanddon, Mr. Lehr, Mrs. Lehr, and Mr. Fiegehen are collectively referred to as “Defendants”) by and through their counsel of record, Ryan Russell, Esq. of the law firm of ALLISON MACKENZIE, LTD., do hereby stipulate and agree as follows:

1. On November 15, 2019, Tesoro filed its First Amended Complaint against Defendants (“Action”) (ECF No. 17).

2. Tesoro asserted the following causes of action: Breach of Contract against all parties,

1 Declaratory Relief against all parties, and Tortious Interference with Contractual Relations against Mr.  
2 Lehr, Mrs. Lehr, and Mr. Fiegehen.

3 3. On November 27, 2019, Defendants filed a Motion to Dismiss Tesoro's First Amended  
4 Complaint (ECF No. 19) ("Motion to Dismiss").

5 4. On December 11, 2019, Tesoro filed its Opposition to Defendants' Motion to Dismiss  
6 (ECF No. 23) ("Tesoro's Opposition").

7 5. On December 18, 2019, Defendants filed a Reply to Tesoro's Opposition (ECF No.  
8 24).

9 6. On March 31, 2020, the Court issued an Order denying Defendants' Motion to Dismiss  
10 (ECF No. 29) on all causes of action and as to all parties except Tesoro's claim for Tortious  
11 Interference with Contractual Relations against Mrs. Lehr ("Tortious Interference"). As to the  
12 Tortious Interference cause of action, the court GRANTED the Defendants' Motion to Dismiss with  
13 leave to amend by April 30, 2020;

14 7. By this stipulation, Tesoro agrees to dismiss its Third Claim for Relief, Tortious  
15 Interference cause of action against Mrs. Lehr only ("Dismissed Claim"), without prejudice. Tesoro  
16 reserves the right to amend its complaint at a later date to reinstate the Dismissed Claim;

17 8. During the pendency of this Action, the statute of limitations period for the Dismissed  
18 Claim only as to Mrs. Lehr shall be tolled. If Tesoro reinstates the Dismissed Claim, it will relate back  
19 to the date of filing of the original complaint pursuant to FRCP 15(c)(1).

20 9. If the Dismissed Claim is not reinstated during the pendency of the Action and the  
21 Action is dismissed with prejudice by judgment or by settlement, the without prejudice Dismissed  
22 Claim shall by operation of law be converted to a with prejudice dismissal.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

10. The responsive pleading of Defendants is due on or before May 30, 2020.

The undersigned respectfully have the authority to execute this Stipulation and bind the respective parties thereto.

Dated: April 28, 2020

**LITCHFIELD CAVO LLP**

By: /s/ Griffith H. Hayes

GRIFFITH H. HAYES, ESQ.

Nevada Bar No. 7374

RYAN B. ZIMMER, ESQ.

Nevada Bar No. 14784

3993 Howard Hughes Parkway, Suite 100

Las Vegas, Nevada 89169

T: 702-949-3100/F: 702-916-1779

Hayes@LitchfieldCavo.com

Zimmer@LitchfieldCavo.com

*Attorneys for Plaintiff*

Dated: April 28, 2020

**ALLISON MacKENZIE, LTD.**

By: /s/ Ryan Russell

RYAN RUSSELL, ESQ.

Nevada Bar No. 8646

402 North Division Street

Carson City, Nevada 89703


T: 775-687-0202/F: 775-882-7918

Email: rrussell@allisonmackenzie.com

*Attorneys for Defendants*

**IT IS SO ORDERED.**

DATED this 30th day of April, 2020.

  
\_\_\_\_\_  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE